



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,686	08/29/2003	Roy E. Gogel	34065-01	9216

7590 05/20/2004

John B. Hardaway, III
NEXSEN PRUET JACOBS & POLLARD, LLC
P.O. Box 10107
Greenville, SC 29603

EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,686

Applicant(s)

GOGEL, ROY E.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 3, line 16, "tope" should be replaced with --top--. On page 4, line 2, "shackles" should be replaced with --shackle--. On page 8, line 14, "as" should be deleted.

Appropriate correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tab retainer of claim 6, the stopper of claim 10 and the doorframe of claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 6, 10, 11 and 15-17 are objected to because of the following informalities: It is not clear in what sense the (not shown) tab retainer is located adjacent the tab guide, since figure 3 shows that this would appear to interfere with the padlock location. The same can be said of the (not shown) stopper of claim 10. In claim 11, line 4, there is no antecedent basis for "the key receiving portion". Claim 15 should apparently depend from claim 11 (compare with claim 7 which depends from claim 1). In claim 16, line 2, the first occurrence of "is" should be deleted. In claim 17, line 6, "attaching said door latch to said housing" is not clear, since lines 3-4 claim that the housing is a part of the door latch. Appropriate correction is required.

In view of the above claim objections to claims 6 and 10, claims 6 and 10 are rejected, as understood, on prior art, as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reddick in view of East and Oliver.

Reddick teaches a latching device including a rigid housing 12, having a back wall 28, a side wall 30, 32, 34, 36, an opening 40 to receive the padlock 66 therethrough, a second opening 54 for accessing the keyhole of the padlock, a locking pin ingress/egress 91 through the sidewall 30, a slidable locking pin 60, a tab guide 52 defined by a partition attached to the interior of the housing and including a channel for the tab of the locking pin, a cylindrical hollow pin guide 68, a tab 61 with an opening on the slidable locking pin 60 to receive the padlock, a rigid cap 14 over the egress 91 as seen in fig. 6, and a stopper defined by padlock slot 69 as seen in fig. 7 to receive the tab of the locking pin, and coupling means (claim 17) defined by a doorframe aperture (F,S) as seen in fig. 3. East teaches attachment bolts 29 at the back wall of a housing as seen in fig. 3. Oliver teaches that fixedly mounted attachment bolts 44 used with a lock mounting. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize fixedly mounted attachment bolts at the

Art Unit: 3676

back wall 28 of Reddick, in view of the respective teachings of East and Oliver, the motivation being to provide a strong connection with the door on which it is mounted.

Claim 6 as understood is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Reddick reference as applied to claim 5 above, and further in view of Blehi.

Blehi teaches a hinged, slotted tab retainer 45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a hinged, slotted tab retainer with the lock of Reddick, in view of the teaching of Blehi, to securely lock the locking pin.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Reddick reference as applied to claim 17 above, and further in view of Larsen et al.

Larsen teaches a locking pin 23 used with a rotatable stanchion 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lock of Reddick with a stanchion, in view of the teaching of Larsen et al, to lock the doors of a trailer.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

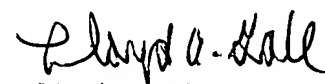
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
May 16, 2004


Lloyd A. Gall
Primary Examiner